

1885-033 Chancery Causes. Nathan E. Morgan for the vs. Thomas S. Ely &c
Lee Co.

Rogers, Willis, Boles, Daugherty, Hoskins, Ball

CA-Debt
T-Property

Will: 1862 : John C. Willis : Lee County

-Deed

To the Honorable John A. Kelly Judge of
the Circuit Court of Lee County.

Your orator Nathan E. Morgan who
sues for the benefit of Jesse Rogers, hum-
bly complaining, respectfully represents
that, heretofore to wit on the day of 1860
he obtained a judgement in the County
Court of Lee County, against William W.
Sage then sheriff administrator of the estate of
J. C. Willis deceased; for the sum of \$110. with
legal interest thereon from the 1st day of October
1860 until paid and \$5.43 costs at law. No
execution ever issued upon this judgement,
because very soon after its rendition the
said administrator having no personal assets
in his hands, filed his bill in said County
Court to administer the real estate of the
said decedent. In this cause several de-
cretal orders were entered, and finally in
1870 there was an order entered referring
the case to one Peter C. Johnson then com-
missioner of accounts of said court to
take state settle and adjust the debts
liabilities of said decedent; for that
purpose the papers went into the hands of
said Commissioner as your orator has
been informed, and have been by him
lost or mislaid so that the same can
not now be found.

The said Sage has been removed, become insolvent, and has for years ceased to pay any further attention to the matter, so that your orator, seeks now to enforce in this honorable court his own claims, and all other creditors who may come in and bear their due proportion of the expenses of this suit. A copy of said judgement founded on a note or bond of the said decedent, well ^{be} found herewith filed and is prayed to be considered as a part hereof.

This said judgement nor no part thereof has ever been paid your orator or the beneficiary nor has any part thereof but the same is now wholly due your orator, as aforesaid. Since the removal of the said Sage one Thomas S. Ely has as sheriff of this county been appointed the administrator de bonis non of said John C. Willis. The said John C. Willis left at the time of his death no lineal descendants, but his interest in realty descended to his mother, brothers and sisters in equal proportions. His mother Susan P. Willis is now dead also, without a will so that said lands go in equal proportions to the following brothers & sisters and their descendants, viz.

Jeremiah S. Willis David C. Willis, Susan M.

Ely wife of Thomas S. Ely. At the time of the death of J. S. Willis he left one other brother Wm S. Willis but he is now dead leaving a ~~widow~~ Nancy nee the wife of Wm Boley and to whom dower has never been assigned; and one infant child James S. Willis, and these constitute the heirs at law of the said J. S. Willis. The said Thomas Ely is admr of Wm S. Willis & Susan P. Willis also

Your orator alleges that there is no personal estate in the hands of said Ely with which to pay the debts of his decedent, that there descended to said Willis heirs, valuable real estate situated in this county in the neighborhood of Walnut Hill, on the waters of Indian Creek, the rents and profits of which will not in five years pay all the debts due from said estate.

The object of this bill therefore is to convene the creditors of said estate, marshal the assets thereof, have an account taken of said liabilities, and of the rents & profits of said real estate, to have a decree in favor of your orator for the moneys due him, and sale made of said realty or so much thereof as may be necessary to pay the same. And here your orator will state that said Ely as admr of said Susan and Wm S. Willis is also a creditor of said

John L. Willis deceased. To affect the object herein
sought your Orator prays that Jeremiah Willis
David L. Willis Thomas S. Ely in his own
right, and as administrators of the estates of
John L. Willis, deceased, Susan P. Willis deceased
and Mrs. J. Willis deceased. Susan M. ~~Willis~~ Ely
^{widow of Thomas Ely}
William P. Bolin and Nancy Bolin (formerly Willis)
his wife and James S. Willis infant be made
parties defendants to this bill and answer to
allegations upon oath, that a guardian ad-
litem be appointed to answer and defend
said infant - before a hearing a decree be
rendered directing some one of the commis-
sioners of this court to take and settle
the administration account of said Sage
and said Thomas S. Ely as admin. ~~of~~ bene-
ficer of John L. Willis deceased, and also ascer-
tain & report the amount and to whom due
of outstanding debts against said Ely; the
rents & profits of said land, that all the credit-
ors of said estate be summoned, and that so
much of said land be sold as may
be necessary to pay said claims, costs, &c.
and for all other further and general relief
may suffice.

Hogan & Pickens

H.P.

Nathan E. Morgan for

7.19 Aug 1878

15.00

4.00

8.00

50.00

81.19

vs Bill Clin

1.16 July 1881

5.16 to dismissal

9.02

Thomas S. Ely actual

- 1877 Feb. Bill Filed, Spia
Exerts + Decree nisi.
" Mr Decree nisi Confd.
R.W. Orr Jr appts C. S. J.
for the infant deft who
filed his Ans + Crossed for
hearing by Plaintiff.
1877 Mr Decree + Contd.
" Mr Decree + Contd.
1878 Aug. " " "
1879 Jan
1879 Nov Decree Confd.
1880 Mr + Aug Confd.
1881 Mr. Confd. Aug Contd.
1882 Mr. Contd.
1882 Aug continued
1883 Contd Mr. year
1884 Contd "
1885 Mr. Decree final.

To the Honorable John A. Kelly, Judge of
the Circuit Court of Lee County,

The answer of James S. Willis, infant, by
Robert W. Orr Jr. to a Bill in Chancery filed in
your Honors Court against this ward & others
by Nathan C. Morgan for &c., For answer, your
Respondent says, that he knows nothing of the
truth or falsity of the Allegations in Plaintiffs
bill, and is advised of no defense proper for him
to make as his Guardian in this cause, but
this Court is a Court of Equity, and such
Courts being the peculiar Guardian of the
rights and interests of Infants, your
Respondent begs leave to place the rights
and interests of his said ward into the hands
of your Honor, knowing that they will
there be protected.

Robert W. Orr Jr.
Guardian ad litem.

Nathan C. Morgan
for or

vs { Sus. of G. A. L.

Thos. S. Cly Adam. et
als

Filed at New Rules 1877.
James W. Orr. Clerk.

See for

This Cause came on again this day to be finally heard upon the paper heretofore read, and the report of A. L. Pridemore accompanied by the deed of conveyance to said purchaser Ann R. Boler, and was argued by Counsel. On consideration whereof and for reasons appearing to the Court said report and deed being unexcepted to are confirmed and made final. And said Commission will leave said deed on file in the papers of said Cause for said purchaser, who will upon delivery to him pay the costs of the same of \$5.00 to said Ann. for the execution thereof. And the disbursements heretofore made by said Court, as shown by his report are approved and made final. And the Cause is stricken from the docket.

Nathan E. Mayhew

✓ { Decue fines

Thomas L. Ely admr

March 1. 1885

Entered O.B. Page
433.

J. R. Gibson D. L.

Enter this
March 27th / 85-

~~Nathan E. Morgan~~ for. . . Off.

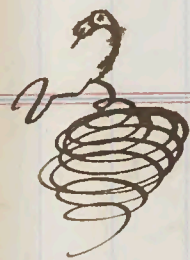
Against

} Indy

Thomas S. Ely adm & al. . Sept

This cause came on again this day to be heard upon the papers formerly read and the report of A. L. Pridmore this day filed to which there are no exceptions, and was argued by counsel on consideration whereof and for reasons appearing to the Court it is ordered that A. L. Pridmore who is appointed a special Commissioner therefore do make and execute to the purchaser, Wm R. Boles a deed of Conveyance to all the land so sold and reported by him, in this cause being the entire real estate owned by J. C. Willis at the time of his death situated in Lee County Virginia. He will convey the same with Covenants of Special Warranty and report the same to some future day of this term and the cause is continued for the coming in of said report.

Nathan E. Morgan
for



Decree

Thomas S. Ely admoc

Aug 7. 1884

Enter

Aug 1884

Nathan E. Morgan for & c. Off
Against

Thomas S. Ely admr. et al. deft

In Chancery

This cause came on again this day to be heard upon the papers formerly read and the report of A. L. Pridemore, special Commissioner filed October 28th 1879 and was argued by counsel. And it appearing that said report has been filed more than 10 days before the commencement of this term and no exceptions being filed thereto the same and the sale therein reported are & each of them is hereby confirmed. And it further appearing that Thomas S. Ely admr. &c has not paid the sum of \$91.00 and interest thereon as herein before decreed the said Commissioner may at any time unless paid within 20 days from the issuing of this Court have execution therefor - And it further appearing that the purchase money or its first installment thereof will fall due before the next sitting of this Court it is further ordered that Special Commissioner Pridemore proceed as the same falls due to collect the same, and such sums together with the \$91 to be collected

from Thomas D. Ely admor. he will pay out
pro data to the creditors, as allowed and di-
rected by a former decree in this cause.
But before proceeding to collect any
sums under this decree the Commissioner
will execute bond before the clerk of this
Court in a penalty of at least \$2000. Con-
ditioned to properly underwrite the orders of
this Court, & discharge the same. He will
report his return to some future term of
this Court and the cause is continued.

Charles E. Morgan for

vs Decree

Thomas D. Ely admor.

Nov. T. 1879

Entered Order Book

page 49 & 50.

Edw. W. On. Clerk.

Enter this.

Nov. 27 - 1879

J. A. K.

Nathan E Morgan for the

Thos. S. Ely adm it also } In lcy
This cause came on again this
day to be heard on the papers
formerly read and was argued
by counsel and it appearing
to the Court that Special Commis-
sioner H. L. Richmond has failed
to take the accounts & report
as ordered by this Court. wherefore
for good and sufficient reasons
it is adjudged ordered and
decreed that Chas. L. Duncan
be made a Special Commissioner
in the room and stead of Special
Commissioner Richmond, and he
is ordered to take the accounts
and report as to all matters
of which the said Richmond
was ordered to report, and also
any other matters deemed
by him pertinent. He will
report to this Court at its
next term and the cause
is continued

Nathan & Morgan

to { decem. sub decem
for Richmond to
the apt.

Thos. S. Ely director

Entered O. B. page 418
R. W. O. Jr. D. C.

Enter
in Ak
Dec 6
177

Wm W Lacy adm

Plff

vs.

David C. Willis others

defls

In by

This cause came on again this day to be heard on the papers formerly read and was argued by counsel,

And it appearing that the account heretofore ordered has not been taken by the Commissioner appointed,

Wherefore and for reasons stated at Bar it is adjudged ordered and decreed that Chas. J. Duncan be made a special Commissioner in the room & stead of the former Commissioner And he is ordered to state settle and adjust the administration account of the plaintiff and also examine the creditors of John C. Willis decd. and ascertain the debts due them requiring an affidavit in all cases of the claimants that the debt is believed to be just and unpaid, He will also report the real estate owned by decedent and the untied value thereof showing whether the assets will be sufficient to pay off the liabilities within five years, He will report

any matters deemed by him
pertinent or required to be
stated by any of the parties
and make his report to this
Court at its next term and
the cause is continued

Wm. D. Lacy v. Wm.

to be heard

Dec. 11. 1877

Entered page 714.

Geo. W. Carr, Clerk.

Enter
J. A. R.

Dec. 5/77

Nathan E. Morgan ~~for~~.

vs $\frac{3}{8}$ Deced -

Thomas S. Ely and others

March 5, 1877

Entered page 682.
Jas W Orr. clk.

Enter the deced.
Apr 5 1877.
J. A. K.

Nathan E. Morgan for &c
against
Thomas S. Ely admr et al } In chur.

This cause came on again this day
to be heard upon the papers formerly
read, and the report of Commissioner
Re. T. Duncan filed Aug 18th 1878, and
exceptions thereto, and was argued by coun-
sel. And said exceptions appearing to the
Court as well taken as to the claim of the
plaintiff Nathan E. Morgan for &c. the same are
sustained, and the said plaintiff has leave to
file hereafter his own deposition and any others
he may deem advisable, tending to show the
same not paid. And the Court reserves all
questions relating to said plffs claim for the
present. On consideration whereof and for reasons
said report is confirmed, and special statement filed with paper, &c. is
appearing to the Court, it is adjudged ordered
and decreed, that Thomas S. Ely administrator of
the estate of John C. Willis should pay to R. M.
Boley the sum of \$460.05, and interest as shown
by said C. T. Duncan's report; that he pay to Meriam
Hoskins the sum of \$80.94, and interest, as shown by
said report - And that he pay to the following per-
sons the sums following and interest as shown by
said report, viz. To William Ball the sum of
\$94.30; To Charles Dougherty \$552.16. and interest as per said report.

That he pay to Henry J. Morgan the sum of \$37.33 -
To Wm W. Sage the sum of \$4.17: To David C.
Willis the sum of \$416.59. and interest as set
out in said account, To Elizabeth Callinsworth,
the administratrix of Wm H. Callinsworth the sum of
\$32.74. To J. S. Willis the sum of \$260. and in-
terest as shown in said report. ~~And that he pay the~~
~~costs of Costs,~~ And that the said administrator
retain the sum of \$733.25: due himself as
the administrator of Susan P. Willis, after
deducting from said sum \$332.02, due from
said Susan's estate, to the said John C. Willis estate -
the sum of ~~\$71.44~~ \$98.44. found due as in the
hands of said Thomas S. Ely as administrator
of ~~Susan H.~~ John C. Willis, he will pay to the
Commissioners herein after named to be applied
to the costs of this suit. And unless the said
Thomas S. Ely as administrator of J. C. Willis
pay & discharge the sums of money aforesaid
within twenty days from the rising of this
Court, then A. L. Pendleton who is hereby
appointed a special Commissioner for the
purpose, is directed to, sell the lands in the
bill mentioned, or so much thereof as may
be necessary to pay the sums hereinbefore de-

decreed to be paid out the costs of this suit. He will sell the same on some court day in front of the Court House door, by public outcry to the highest bidder, on a credit of one two and three years except so much as may be required to ~~pay~~ ^{pay} ~~pay~~ ~~down~~ the costs of suit & sale, which he will require to be paid in hand, for the residue he will take bonds payable to himself as commissioner, with good personal security bearing interest from date. But before proceeding to make sale he will advertise the same for at least thirty days on the front door of the Court house of said County and in the neighborhood where the land lies, and if deemed expedient by him in the Lee County Sentinel. He will report his actions to this court at some future term & the cause is continued.

Arthur E. Morgan fore

28³ Decur

Thomas S. Ely admora

Aug. J. 1878

Entered page 11+12.

Jas W Orr. clk.

Enter this.

J. A. K.

Sept 5778

Virginia.

At a circuit Court continued and held for Lee County, at the Court house thereof, on Thursday the 5th day of April 1877.

Nathan E. Morgan for the benefit of Jesse Rogers, Pltff.
against
Thomas S. Ely Adm. et als Defts. } In Chy.

+ + + + + On consideration whereof, and for reasons appearing to the Court, it is adjudged ordered and decreed that H. C. T. Richmond, who is hereby appointed a Special Commissioner therefor, do, after due notice to the parties, proceed to take, State and settle the administration account of Wm H. Sage, former Administrator of John C. Willis, and Thomas S. Ely Adm. of said Willis' estate. He will also ascertain and report what debts due to whom due, yet outstanding against said decedent's estate, the rents and profits of the lands, and whether or not the same will pay and discharge said debts in five years. He will also state any matter deemed pertinent by himself, or required by either party, and report his action to this Court at some future term. And the Cause is continued.

A copy
Teste, — R. W. Orr Jr. D. C.

Nathan E. Morgan for &c.
as copy of Decree
Thos. S. Cly Admr. et als

Aug. Term 1877.

Ex parte
Thos. S. Cly & Co.

Virginia

At a Circuit Court continued and held for
Lee County, at the Court House thereof, on Thursday
the 5th day of September 1878.

Nathan E. Morgan for Jesso Rogers

against

Thomas S. Ely Administrator et als

Off.
In Chancery
Def.

This Cause came on again this day to be heard upon the papers
formerly read, and the report of Commissioner C. S. Duncan
filed August 18th 1878, and exceptions thereto, and was argued
by Counsel, and said exceptions appearing to the Court as well
taken as to the claim of the plaintiff Nathan E. Morgan for
the same are sustained, and the said plaintiff has leave to file
hereafter his own depositions and any others he may deem
advisable tending to shew the same unpaid. And the Court
reserves all questions relating to said plaintiff's claim for the
present. On consideration whereof and for reasons appearing
to the Court, said report is confirmed and Special Statement
filed with paper "A. D." is rejected, and it is adjudged, ordered
and decreed, that Thomas S. Ely administrator of the estate of
John C. Willis receive & pay to R. M. Bales the sum of \$460.00 and
interest as shown by said Duncan's report; that he pay to Minnie
Dorshins the sum of \$80.74 and interest as shown by said report,
and that he pay to the following persons the same following
and interest as shown by said report, viz. To William Ball
the sum of \$94.30, to Charles Dougherty \$52.16 and interest as
per said report, that he pay to Henry J. Morgan the sum of \$37.55,
to Wm. H. Sage the sum of \$417; to David C. Willis the sum of \$46.07

and interest as set out in said account to Elizabeth Col-
linsworth the administratrix of John Collinsworth, the sum of
\$32.74; to J. S. Willis the sum of \$260 and interest as shown in
said report, and that the said James retain the sum of \$733.25
and himself as the administrator of Susan P. Willis, af-
ter deducting from said sum \$332.02 due from said Susan's estate
to the said John's estate. The sum of \$71.04 found due and in
the hands of said Thomas S. Ely as administrator of John C. Willis
he will pay to the Commissioner hereinafter named to be
applied to the costs of this suit. And unless the said Thomas
S. Ely as administrator of J. C. Willis pay and discharge the
sum of money aforesaid within twenty days from the entry
of this Court, then A. L. Bridgman, who is hereby appointed
a special Commissioner for the purpose, is directed to sell the
lands in the bill mentioned or so much thereof as may be
necessary to pay the sums heretofore decreed to be paid and
the costs of this suit. He will sell the same on some Court
day in front of the Court house door, by public outcry, to the high-
est bidder, on a credit of one, two and three years except so much
as may be required to pay the costs of suit and sale, which he
will require to be paid in hand for the residue he will take
bonds payable to himself as Commissioner with good personal
security bearing interest from date. But before proceeding to
make sale, he will advertise the same for at least thirty days
on the front door of the Court house of said County and in the
neighborhood where the land lies and if deemed expedient
by him, in the "Lee County Sentinel". He will report his action to
this Court at some future term and the cause is continued.

A Copy
Lester R. H. Orr Jr. DC.

Nichols. Morgan for

3 Copy of Decrees

Thos. S. Ely Adm. &c

For

A. L. Pridemore Adm.

Office of C. S. Duncan Atty at Law
Louisville Ky Jan'y 22nd 1878.
The deposition of R M. Bales.

taken before me C. S. Duncan special com-
missioner in the chancery suits of W W Say-
anr against D. C. Willis et als and Nathan
C Morgan for &c. against Thomas S. Ely Sam
et als pursuant to two several decrees in said
causes rendered and pronounced by the
Circuit Court of Lee County Virginia by
which said decrees I as Special Commissioner
or as aforesaid am directed to take and
settle the Administration account of
William W Sayre late Samr & Thomas S
Ely present Administrator of John C Willis
deceased.

R M Bales a witness of lawful age being
first duly sworn deposes and says that
on the 19th day of January 1859, he sold some
stock to W^m K Brittain and John C Willis that
they executed their note to him for said stock amount-
ing to the sum of \$455. That on the 27th day of
October 1859, J. C. Willis one of the obligors in
said note paid to him the sum of \$255⁰⁰ That
on the 18th day of June 1861 W^m K Brittain paid
him \$12.00 on said note that on the 16th day of
July 1861 said Brittain paid him \$11⁰⁰ on said
note and that some time in the year 1867 ^{or 1868} \$12.00

more was paid to him on said note by said Brittain
that there several sums are endorsed as credits
on said note and on all the sums were paid
to him on said note by either the said John
C. Willis or W^m K. Brittain and that the
Balance of said note is unpaid and still
due to him. Witness further states that
William K. Brittain is dead and that his estate
is totally insolvent and unable to pay said note
or any part thereof. Witness further states that
he is tolerably well acquainted with the lands
of which the said John C. Willis died seized
that said land is thin and considerably worn
and that it would not rent for more than \$50
to \$60⁰⁰ per year. Witness states that the
two small notes marked B & C, were executed
by said J. C. Willis to the late firm of R. M. Bales
& Co. That at the dissolution of the business of
said firm said two notes fell to Stephen Bales
as witness now thinks and he further states
that said notes were never paid to him nor
to any other member of said firm to his
knowledge. And further this defendant
swears not

R. M. Bales

Forasmuch as ~~William K. Brittain~~ S. Willis another witness of
lawful age being duly sworn, deposes and
says that he is the brother of the late J. C. Willis
that according to the best recollection of witness
J. C. Willis & David C. Willis that sometime about

the year 1855 formed and entered into a co-partnership for the purpose of carrying on the tanning business and also for the purpose of dealing in horses cattle and hogs. This partnership was actively carried on between the said J. C. Willis and D. C. Willis until the breaking out of the late war, in the year 1861. Witness thinks that J. C. Willis who had before that volunteered into the army, left home for the purpose of serving in the army, on or about the 26th day of May 1861. Witness thinks that at that time the said firm of J. C. & D. C. Willis had on hand a small lot of cattle which witness supposes was left in the care of D. C. Willis as he remained at home but witness does not know what was done with said cattle. The books pertaining to said business as well as the notes and accounts belonging to said firm were also left in the hands of the said D. C. Willis. Witness does not know what disposition was made of said ^{cattle} nor he does not know their value. Neither does he know what has been done with the books notes and accounts of said firm. At the time the note for \$100. (Jan 12th 1858) was executed to W^m Ball. the said J. C. & D. C. Willis were actively engaged in the aforesaid partnership business. In the year 1860 as witness now thinks the said J. C. Willis drove a lot of horses for the said firm of J. C. & D. C. Willis and that in said lot of horses was a bay mare which had formerly

belonged to D. C. Willis. witness supposed that
said Morn was put into the partnership and so
driven and sold. Witness knows that at the
same time the said J. C. Willis had individual
stock which was put into said partnership.
lot of horses and driven to market. Witness
always heard D. C. Willis call the stock his & Coes-
(that is J. C. Willis) Witness is well acquainted
with the lands of which J. C. Willis died seized
said land is thin and somewhat worn wit-
ness thinks that said land is reasonably worth
\$70 per year and that it ought to rent for that
sum annually.

And further this deponent saith not.

James ^{his} J. C. Willis
morse

A M Coley another witness of lawful age be-
ing first duly sworn deposes and says,

That according to his best impression and belief
he heard Nathan C. Morgan say that sometime in
the latter part of the year 1861 he had made a trip
to the army to see J. C. Willis who was owing him
a note that he had seen the said J. C. Willis and
that said Willis had paid him said debt or
most of it. Witness's recollection on this sub-
ject is imperfect and indistinct, but the
above is the impression now on his mind.
Witness further recollects that about the 12th
day of January 1859 he bought a horse from
J. C. Willis & D. C. Willis for the sum of \$125⁰⁰

that he paid to J. C. Willis towards said horse the sum of \$625, and the balance of \$625 he paid to D. C. Willis witness further recollects that said D. C. and J. C. Willis purchased said horse from Wm Ball. Witness always understood that the said J. C. Willis & D. C. Willis ~~were~~ at the time he bought said horse from them and for sometime before that time were and had been engaged in the stock trade in partnership.

And further this deponent saith not.

A. M. Ely

The deposition of Charles Dougherty taken at his dwelling house in said County on the 31st day of January 1878. Charles Dougherty, a witness of lawful age being first duly sworn deposes and says That sometime during the year 1859 or 1860 J. C. Willis borrowed from him a sum of gold amount not now recollected, at that time witness understood that J. C. Willis and D. C. Willis were doing business in partnership and that said gold was borrowed for the benefit of the firm at the time said gold was borrowed as witness now recollects no note was given. On the 16th day of December 1861 the said J. C. Willis executed his note for said gold amounting at that time principal and interest to the sum of \$273.75 to this note the said J. C. Willis signed his own name and the name of D. C. Willis witness still under

this to be a partnership transaction and a partnership fund. Sometime after the execution of said note witness had a conversation with D. C. Willis in reference to said note, in which conversation witness told D. C. Willis of the execution of said note the said D. C. Willis then said it was all right, and did not in any way deny that said note was a partnership debt or that he was jointly bound for it. Afterwards to wit on the 5th day of May 1870 D. C. Willis called on me for said note to file as he then said in a suit for settlement of the estate of John L. Willis, and at that time he presented to me a receipt for said note treating it as a note on himself and said J. L. Willis said Receipt is filed herewith as part of this deposition marked (X 27) The whole and entire amount of said note is still due to me.

Charles Daugherty

Jonesville Feb 9th 1878

A M Ely a witness of lawful age being introduced by D. C. Willis after being duly sworn deposes and says, that he held a note on J. L. Willis and D. C. Willis for the sum of \$9.00. The last time witness recollects having said note was sometime in the year 1862. Witness has no distinct recollection of the time when said note was paid nor who by. It said note has been paid and

witness is satisfied it was paid by D. C. Willis as witness recollects having said note in his possession after the death of the said J. C. Willis. Upon an inspection of said note now in possession of said Willis I find said note was executed on the 21st day of March 1859 which would make janitorial interest to June 1863, the time D. C. Willis claims to have left at the sum of \$99.00. And further this deponent saith not.

A. N. Ely,

D. C. Willis another witness of lawful age being duly sworn, deposes and says -

That he is the brother of the said J. C. Willis that about the year 1855 he and the said J. C. Willis entered into a copartnership for carrying on the tanning business. This partnership was carried on in a small way to about the 1st of Jan'y 1859. We also bought a lot of cattle in partnership and had some other partnership dealings, but we were not doing a general partnership business at no time except in the tanning business as aforesaid. I am not at all interested in the Ball note. The said note was executed without my knowledge and my name was signed to it without my consent. The firm of J. C. Willis & D. C. Willis held on the first day of January 1862. an account against William Ball for leather and this account was assigned to

the said J. C. Willis to go as a credit on the
note of Linn Ball filed in this suit. Said
account on the first day of January 1862
as I now recollect ^{amounts} to the sum of \$75.00 Said
Ball said to me in a conversation since
the death of J. C. Willis that he wanted said
account to go as a credit on said note.
As to the note executed to Charles Daugherty
I knew nothing of the execution of said note
until sometime after its execution I never
authorized J. C. Willis to borrow said Gold
or to sign my name to ^{in note} it and I never got
any benefit from the transaction in any way
At one time since the war in a conversation
with said Daugherty about said note I told him
that if my brothers J. S. Willis James Willis & W. A.
Willis would each pay an equal part of said
note with me that I was willing to help pay it
but I never undertook or agreed or intended
to acknowledge that I was in any way bound
for said note. for I never had any interest
in it in any way. In reference to the note executed
to Susan P. Willis. I know that J. C. Willis in his
time paid said note to the said Susan P. Willis
in cattle which belonged to J. C. Willis and my
self in partnership. These cattle were cattle
left on our hands of the lot before spoken
of as bought by us in partnership. Said
note was paid as I now recollect in

the year 1857. I know that about the year 1859. My brother J. C. Willis purchased from my mother a sorrell mare at what price I do not know but I think said mare was at that time reasonably worth \$125⁰⁰ and at about the same time he also got from her a bay and a black mare. I think the bay mare was reasonably worth \$100. and black was worth to the best of my belief \$125⁰⁰. Later in the year 1861 I was at the house of my mother when Nathan E. Morgan came there he then said he had just been to the army. to see J. C. Willis in reference to a debt which the said J. C. Willis owed him. My mother then asked said Morgan if he got his money, and he answered that he had not got quite all of it. he did not say how much he did get or what balance was left unpaid. This Morgan debt was for one hundred and two dollars and if J. C. Willis at any time owed him any other debt I have no knowledge of it.

Of the rents of said land up to the time I see S. Eely as owner took possession thereof. Said land was occupied from the partition thereof which was in the year 1869. by W^m A. Willis up to the time of the death of the said W. A. Willis which occurred in Oct 1873. or rather W. A. Willis and J. S. Willis jointly used said land, but I do not know in what proportion in the year 1874

J. S. Willis cultivated one field about 75 acres in
in corn and about 10 or 12 acres in oats the
balance of said land lay idle that year, in
the year 1875. Wm R Bales used and cultivated
about 20 acres of said land in corn the
balance was idle that year -

I think that M A Willis & Skelt Willis must
have realized from \$40 to \$50 per year
on said land. For the year 74 when been
paid as aforesaid, the rent I think that year
was worth the sum of \$25.00. and year 1875 when
the same was occupied by W R Bales I think

the land occupied by him. was worth some
\$30. Since that time the land has been rented by
Thos Sely Sam and accounted for by him

Witness further states that about the
fall of 1860 - that J. S. Willis purchased from
J. S. Willis an Iron gray horse and drove him
to the Southern Market, said horse was I think
reasonable worth \$125.00, said horse was never
paid for to Witness's knowledge -

And further this deponent earth not
D. C. Willis.

J. S. Willis a witness of lawful age being
again introduced by D. C. Willis deposes
and says that

In the year 1858 as I now recollect D. C. Willis
and J. S. Willis fattened a lot of hogs together

said hogs were driven to the Eastern Markets
by J. C. Willis but whether in partnership or not
I do not know, I do not remember the num-
ber of hogs fattened by them nor do I know the
value of them. I know that there were a good
many hogs fattened on the farm that fall
but as before stated I do not know the number
owned by the said J. C. & D. C. Willis.

I have heard it stated among some of the parties
that D. C. Willis let J. C. Willis have a note or two
notes which the said D. C. Willis held on one Wm
Collinsworth but the amount said notes I do
not remember, at this time if I ever knew, my
understanding was that said notes were held by
D. C. Willis as Administrator of Polly Collins deceased
against the said Collinsworth.

Sometime in the year 1858 1859, or 1860, J. C. Willis
sold a lot of horses to Charles Hanger among
the said horses was a bay mare which had
formerly belonged to D. C. Willis, I do not
know anything about the sale of said mare
by D. C. Willis to J. C. Willis but I do know that
said mare went in with the other horses sold
by the said J. C. Willis to the said Hanger -
the mare as I now recollect was a tolerable good
mare though not very saleable I think the way
horses were selling at that time that she was
reasonable worth \$100. - Now the estate of

Jos. Hillis for \$3.75 worth of wheat sown in the year
1871. and also owe said estate about the sum
of \$1237½ for rent of ~~land~~ land cultivated belong-
ing to said estate this was I think in the year
1874. Further this witness deposeseth not
of J. Hillis
more

A. C.

Attest
J. Hillis & Morgan
vs
Deposition
Thomas S. E. & Son

Virginia Lee County Lovit

I do solemnly swear that on the 5th day of September 1856. John L. Willis executed to me his note for the sum of \$43.47 herewith filed marked (S 4) that note is just and true and that after giving all just and proper credits on said note there was on the 3rd day of January 1860. still remaining due and unpaid on said note the sum of \$12.73 that no part of said sum of \$12.73 has ever been paid to me but that the same and every part thereof together with the accumulated interest is still due to me. I do further swear that on the 25th day of October 1857 that said John L. Willis and one Wm K Brittain executed to me their joint note payable one day after date for the sum of \$37.80 that on said note there was paid to me on the 26th day of December 1859 ^{the sum of \$10.00} as I think a further sum which is endorsed on said note ~~and~~ ~~as stated~~ it was paid to me in the year 1860 But I do not recollect the amount thus paid me But to the best of my recollection there was on the 31st day of January 1860 (the date of the last credit) still due me on said note the sum of \$26.61 as then ascertained by said J. L. Willis by calculation. No part of this said last mentioned sum has ever been paid to me either by the said J. L. Willis or Wm K Brittain or by any other

but that said sum of \$26.61 with interest
thereon from the said 31st day of January
1860 is still due to me I do solemnly swear
that the foregoing facts are true to the best
of my knowledge and belief So helps me
God.

Hiram ^{his} Hoskins
Sworn to and subscribed (by his mouth)
by Hiram Hoskins This 22
day of Jan'y 1878

C. J. Duncan

Special Commissioner

Hiram Hoskins.

vs. Affiant

John C. Willis & Estate

Notes enclosed

Exhibits (D 4)
" (C. 5)

Virginia.

At a county court continued and held for Lee
County, at the court house thereof, on Saturday
the 21st. day of Aug. 1867.

Nathan E. Morgan, who sues for the benefit of J. Rogers, Plff. }
against } In Debt.
William W. Sage, Admr. de bonis non of J. B. Hillis decd. Resp. }

The defendant not appearing, It is considered by
the court that the judgment obtained against him in
the clerk's office, for \$110.00 the debt in the declaration men-
tioned, with legal interest thereon from the 1st day of October
1860, till paid and the costs, be made final. to be levied of
the goods and chattles of the intestate, in the hands
of the defendant to be administered.

A copy

Teste- R. W. Orr Jr. C. C.

61.73
22.50
5.50
4.50
\$5.43

N. C. Morgan for &c

vs 3/4 look of fugt.

Wm W. Sage same &c

L - 12

\$37⁴⁰ One day after date we promise to
pay Hiram Hosking thirty seven dollars &
40 cts for value rec^d of him given
under his own hand and seal this 24th
of October 1859 H. Miller Jas
Wm. R. Brittain &

On the within not
this the 26 dec. \$10.00

Willistth Brittain
to Note
\$37.80

& L

The same as

the one before

the one before

\$43.41 One day after date I promise
to pay Thos. Heston forth three
dollar and fort seven cents for value
received in hand and paid thus
5th September 1852

John C. Miller (L)

(4)
(2)

\$12.78 One on the 3rd day of Jan'y 1860 Int Counted

Credit this wither
in note \$3 this
28 of August 1857

By Cash on the within

an account July 2nd 1858

for one dollar

Credit the within

note \$1.50 January 1859

1859

\$3.50 = 72

John C. Mills
to the

\$3.50

Ex. M.
Nov. 1858

Credit the within

note \$1.50

January 1859

\$3.50 = 72

1859

Virginia Lee County to wit

I William Ball do swear that the note executed to me on the 12th day of January 1858 for one hundred dollars ~~executed~~ ^{originally by J. C. & D. C. Willis} is just and true and that the same nor no part thereof has ever been paid to me by the said J. C. Willis in his lifetime nor by either of his Administrators since the death of the said J. C. Willis nor has any part thereof ever been paid to me by David C. Willis. The said note and every part thereof is still due me. At the time this note was executed I understood J. C. & D. C. Willis to be in partnership but as to this I know nothing of my own knowledge. Given under my hand this 30th day of January 1878, William ^{his} Ball
morse

Sworn to before me this 30th day of January 1878
C. T. Duncan Special
Commissioner.

W^m Ball

vs $\frac{1}{2}$ Affidavit of note.

Thomas S Ely Adm

F-6.

Virginia Lee County to wit:

David C. Willis personally appeared before the undersigned a Commissioner in Chancery for the County of Lee and made oath that his name attaching to a note payable to William Ball for the sum of \$100.00 dated 12th of Jan'y 1858 was not authorized to be signed by him, nor is it his signature, and he further swears that that a ^{note} drawn by L. C. Willis and D. C. Willis payable to Charles Daugherty for \$273.75 dated December 16th 1861, that the same was not authorized by him, nor is it his signature.

Given under my hand this 6th day of May 1870.

Samuel Field Comr in Chy

David G. Willis

Affidavit

Ex X

100 One day after date
we promise to pay
William Ball one
hundred dollars for
value recd of him
This 12th January
1858 J. C. & D. C. Mills
*recd

J. C. Willis

To Note

\$ 100.00

L. S.

177th 50

Two Months after date we or either of us bind
ourselves here to pay William Collinsworth one
hundred and fifty dollars and fifty cents for a
as witness our hands and seals Augth 10th 1889

William Collinsworth
J. Collinsworth

140
250
1650

177.50
165.50
1200

March 21st 1859
Conat Cash \$25.00

Spencer B. Brittain
J. L. Miller
To Wm. H. 177.50

$$\begin{array}{r} 17.1 \text{ } 50 \\ 26 \frac{1}{2} \text{ Int till } 1^{st} \text{ payment} \\ \hline 17.1 \text{ } 76 \frac{1}{2} \\ 25 \text{ } 00 \frac{1}{2} \\ \hline 157.1 \text{ } 76 \frac{1}{2} \\ 157.1 \text{ } 18 \frac{1}{2} \text{ Int till now} \\ 0 \text{ new nov. } 1^{st} 1889. \\ \hline 157.1 \end{array}$$

18	William Collinsworth Dr to J. C. Wells	
	To 3 lbs Sole leather at 40 cts	\$1.20
1861	To 6½ lbs Sole leather at 3/-	3.25-
		<hr/> \$4.45-

I do swear the above act of \$4.45- cts
against William Collinsworth is just
and unsettled

Sworn to and subscribed J. C. Wells
before me August 19 1871

James M. Pugh, J. P.

49.50

297.00

103

1188

2297

148

74

3880

I do solemnly swear that a sum presented by H
K Britton and J. C. Willis for one hundred
and seventy ^{seven} dollars and fifty cents came to my hands
as Administrator of John Collinsworth within the
following credits One Credit of \$140 to Collinsworth
dated the 7th 1860 By J. C. Willis in Notes on ^{entry to blood estate} the Collinsworth
one Credit for \$25 March the 31st 1859 at Sulzger
to no other Credit that I know of which note is
now attached Elizabeth ^W Collinsworth
Munk

Sworn to and subscribed
for me August 7th 1878

J. C. Willis J. P.

Wm H Collingworth

25 3/4 note

J. C. Willis et al

6.00
18 1/2
108.50
150
109 50

N-14

I do solemnly swear that John C. Willis was justly
indebted to me at the time of his death \$16.83 as shown
by three fee bills herewith filed marked respectively A, B & C.
and that no part of either has as yet been paid, and
that the whole thereof is yet due and owing me.

That of said sum \$11.93 thereof are for services rendered
him in his individual capacity, that \$2.45 was for
services rendered him as admr. of Wesley Carter and
the like sum of \$2.45 was for services rendered him
as admr. of Wm. J. Bolson. Said John C. Willis died
in the early part of the late war perhaps in the
years 1861 or 1862 and from that time I have not
seen any opportunity of making or collecting either
of said bills.

Mrs. Susan P. Willis his mother qualified as the
admr. of said John C. Willis and for my services to
her in that capacity she owes me \$1.80 as
shown in a bill herewith filed marked (D) This of
course is a charge proper against said Susan P. Willis
and by her a proper charge against the estate of
John C. Willis, but Mrs. Willis died without having
paid it, and the matter is now referred to the Court as
to whether it shall be a charge against the estate of
said John C. Willis.

To the truth of these statements
I do swear to the best of my knowledge & belief so help
me God.

Henry J. Morgan

Sworn to before me this 11th day of January 1878

C. J. Duncan Special
Commissioner.

Henry J. Morgan
vs } Affidavit
John C. Willis Estate

I - 9.

John C. Willis

1859	To the Clerk of Lee County	Dr.
Aug.	Recording Power atto from B. Sedder val to Wm Sedder	1 25
"	" Deed. from Wm Sedder. 1.25 Tax 100	2 25
"	Spa in chy vs Wm Estridge val 20. 13 Copies 130 rect 18.	1 68
Sept.	Fil. Bill 15. Dock 10. atto 10. 2 Rules 50.	85
	order of Publication 20. 2 Copies 40. Postage 6.	66
Oct.	Decree 20. copying Same. 40 rect 18	78
Dec.	Fil. Comr. Report no 1. 15. Decree 20. Copying Same 40	75
	Taking Rect. 18. Fil Comr Report no 2. 15 Decree 20	53
	Decree 20. Copy 40. rect 18. Tax 100. Tax. cost 20.	1 98
	Fil papers. 20. - 4 qrs Continuance 100	1 20
		<hr/> \$11 93

H. Morgan Clerk.

Geo: C. Willis
1193

2A

187

J. - 9 no 1

1861. John C. Willis Admr. Wesley Carter

Admr. To the Clerk of Lee County Court Dr.

Decr 16 Order appointing Admr., preparing bond, oath, Orders of
Appraisement &c. 1.00 Tax 1.00 Copying order and Bond 40. ^{Postage 5} \$2.45

(434)

Henry J. Morgan, Clerk

John C
Willis
\$2.45

(B)

189

no 3-I-9

1861. John C. Willis Adm^r of Wm J. Colson.
To the Clerk of Lee County Court Dr
Dec^r Order appointing Adm^r, preparing bond, oath, Orders of
Appraisement &c. 1.00 Tax 1.00 Copy of order & bond 40. Postage 5 \$2.45
(434) Henry J. Morgan, Clerk

John
C. Willis
\$2.45

Mrs Calson
ought to pay

(6)

11.93
2.45
2.45

16.83

190

I - 9 Nov

1868	Susan P. Willis Adminr of John C. Willis deceased To the Clerk of Lee County Court	25
Jan	To Filing Settlement & Comrs Report of goods acct 15 Docket 10.	25
"	Ent. Decree of Confirmation 20. copying same on Settlement 20	40
	Recording Settlement & 75 Taxing cost 20. filing papers 20	1 15
	Henry J. Morgan, C.C.	1 80

S.P. Mills

180

(21)

No 4 L. - 9

	William H. Sage, Admr. of estate of John C. Willis dec'd		
1870	To the Clerk of Lee County Court		Dr.
April	For entering order of cont vs. David C. Willis et al	20	20
May	order cont 20 (June) order of cont 20 (July) order cont 36		75
Augt	order cont 36 (Sept:) order of cont 36 filing Comr's settlement		87
Oct:	order cont 36 (Nov:) order of cont 36 (Dec:) order of cont 36	108	
	John B. West, clk.	\$	291

291
 6
 1146
 2 1/4
 12222
 4
 126

Rec'd of Wm M. Sage, Admr of John C.
Willis dec'd, the amount of the within
Fee Bill i. e. \$2.91 John B. West, Clk

W. M. Sage, Admr.
of Jas. C. Willis dec'd
Fee Bill
\$2.91

f. 10

Nathan E Morgan for vs.

78

In chancery

Thomas S Ely Admr vs.

And

William W Sage Admr vs.

781

In chancery.

D. C. Willis et als.

To the Honorable John A Kelly Judge of the
Circuit Court of Lee County Virginia

By a Decree of your Honor's Court rendered
and pronounced on the 6th day of December 1897
in the first above styled cause. The undersigned
was appointed a commissioner instead of H. C. T.
Richmond who had before that time been appointed
a commissioner and directed to take stock and
settle the Administration account of Wm W Sage for
me Admr and Thomas S Ely present Admr of
the estate of John C Willis deceased, to ascertain
what debts and to whom due are yet outstanding
against said estate, and also the annual value
of the rents and profits of the real estate belonging
to the estate of said Decedent, The duties thus
assigned to comr Richmond your Commissioner
by the decree aforesaid is directed to perform

Pursuant to said decree your Commissioner
in order to give ^{notice} to the parties interested posted notice
at the front door of the Court house of Lee County
on the Storehouse doors of Wheeler and Ball Tulkar
son & Balis and J B McLin & Co, the 3 last places
being in the neighborhood of where said Hillis for
merly resided giving notice to all persons inter
ested in the subject matter of said Suits that
on the 22nd day of January 1878 at his Office in
The Town of Jonesville & he would proceed to discharge
the duties required of him by said decrees.

On said day William H Sage former Administrator
of said estate appeared before your Commissioner
and stated that he had no account to settle
that no funds had come into his hands as Admin
istrator, and that all the business he had ever in
any way transacted pertaining to said estate was
the instituting of the second above styled cause
and that he had paid to J B West a clerks fee be
fore of the costs of said suit amounting to \$2.71 which
he alleges is still due and owing to him. This state
ment of the said Sage is not controverted by any
of the parties in interest, nor is it contradicted by
the record I therefore dismissed said Sage

Your Commissioner next proceeded to state and settle the account of Thomas S Ely present Administrator of said Estate and file herewith as part hereof a statement of said account Morse (A B) by reference to which it will be seen that said statement embraces a period of three years, beginning in 1875 and ending in 1878 and is solely for the rents and profits of the lands belonging to the Estate of said John C Willis, for the years 1876, 1877 and 1878, which resulted in finding in his hands on the 15th day of December 1878, (for said account is carried down to that time) of principal money the sum of \$685³ and of interest \$261 or a total sum of \$7114 which may be used as far as it will go in payment of debts still outstanding and owing by said decedent's estate.

The next duty required at the hands of your Commissioner was to ascertain the debts still due and owing by the Estate of said decedent to whom due &c.

Your Commissioner at this point deems it proper to state that Thomas S Ely present Administrator of said ^{Estate}, claimed the benefit of the statute of limitation on all debts against his decedent

to which said statute would apply. And he further
claimed that the time at which the statute must
be regarded as suspended, by the institution of
suits, is the date of the institution of the first
above mentioned suit. To wit "Nathan & Morgan
for &c. vs Thomas S Ely Sumr &c" By an inspec-
tion of said cause it will be seen that process
was issued therein on the 27th day of Decem-
ber 1876, returnable to February rules 1877.

He further claimed that the suit of W^m W Sage
Sumr &c. vs D. C. Willis it also was improvident-
ly brought that said Sumr had no right to
bring such a suit, and that said suit should
be dismissed for want of right of action in the
plaintiff. That it was the duty of the Sumr
to administer the personal estate of his decedent
and that he had nothing to do with administering
the realty, and that said suit is a nullity &
that no rights accrued under it or are preserved
by it. To me this raises an interesting as well
as difficult question. & I regret that I am
not more competent to handle it intelligently
and decide it correctly.

It will be seen that the bill of W^m W Sage Sumr &c

was filed at the November Rules 1869, and that
 the writ issued on the 28th day of October 1869.
 this writ however was not executed and an alias
 was issued on the 5th day of November 1869.
 returnable to December Rules 1869. By an inspection
 of this bill it will be seen that its object is to
have the lands of belonging to the estate of
said J. C. Willis sold and converted into assets
for the payment of his debts. If objection
 had been made to this bill, it is probable that
 the same would have been sustained, and the
 bill dismissed. Your Commissioner understands
 that your Honor holds and has ruled in this Court
 that an Administrator has no right to file a
 bill to subject to sale the real estate belonging
 to his decedent's estate, but that in such suit
 he is properly a defendant and cannot be
 the complainant. And without pretending to
 decide what would have been the result had
 objection or defense been made to said bill at
 an earlier day, your Commissioner will
 deal alone with the question as now presented
 to him. No objection was taken to said bill
 and no defense made or set up by any per-

son, in interest except the guardian ad litem of
the infant defendant James Willis, and his defense
is only the usual reservation of all just and proper
exceptions &c. and at the February term of the County
Court of said County. (Said suit being in said Court)
a decree was rendered, appointing ~~a commissioner~~
Samuel Field a commissioner and directing him
to ascertain the indebtedness of the estate of said John
C. Willis, the annual rental value of the lands belonging
to said estate and report his action &c to the Court,
Said commissioner pursuant to said decree made
a report in said case which was filed on the 1st
day of June 1870 ~~filed his report~~, but the said report
being so imperfect and indefinite that action
upon it could not be taken. at the July term 1870
of said Court Guil Peter Johnston was appointed
a commissioner and directed to retake said ac-
count and perform other duties by said decree
specified. Commissioner Johnston commenced
the discharge of the duties assigned to him, pro-
ceeded to take some testimony, &c but before com-
pleting the same his health failed, and he re-
moved from this, to the County of Washington
to reside ~~unfortunately~~, and inadvertently

no doubt carrying the papers away with him. In this way the papers were lost and remained lost for several years. No steps were taken to supply them and nothing was done in the matter of said estate until the filing of the bill of Nathan E Morgan for &c. vs Thos S Ely Admin &c. This last mentioned bill is a regular creditors bill, and was filed at the February Rules 1877, though the writ was issued in it on the 29th day of December 1876. And at the March Term 1877 a decree concerning the creditors and for an account was rendered. I have thought it necessary to give this rather extended historical account of these cases in order to give your Honor a correct knowledge of them in condensed form and as a basis of my action and a foundation or reason upon which my opinion is based.

As stated before no objection was taken to the bill of said Sage, and no defense was at any time set up to it by any person until the objection before stated was made before your commissioner by Thomas S Ely Admin &c. It may be urged that there was no person to defend it, the Administrator whose duty it was to defend it being the-

Plaintiff thus leaving the estate undefended but this objection is met by the fact that the heirs of said John C. Willis to whom said land descended were parties to suit, defendants upon the record and directly interested, because said land if not sold descended to them and they were interested in protecting it. But they acquiesced in said suit as did everybody in interest. Creditors came forward, produced and proved or attempted to prove their debts. They thus not only relied upon said suit as a means of protecting and saving their rights but also as a means of enforcing them. And now, after so much time has elapsed, when many of their claims are barred by the statute of limitation if this claim or plea of the Administrator, which is itself merely technical and of no or very little advantage to the estate, should be allowed, a great hardship if not injustice will be done to the creditors to whose claims the statute will apply at the institution of the last suit but to which it would not have applied at the date of the institution of the first suit. But it may be said that the cred-

9

In this case they saw the Court, the exponent of the law, not only entertaining said bill but proceeding to adjudicate upon its merits. I think it but reasonable that the creditors should have relied upon it as saving their rights and protecting their interests. And as the heirs of said estate although parties to the suit and parties in interest did not avail themselves of this defense sooner, but as others did, acquiesced in said suit, I shall treat them, as estopped now to deny its validity at least so far as the statute of limitations is concerned, and in stating the account of debts still outstanding and owing by said estate I shall treat the statute of limitation as suspended on the 5th day of December 1868 the date at which the writ which was executed was issued. I am free to confess that I am not fully satisfied that the opinion herein expressed is correct, I am not sat

is find that, the effect of a suit improperly brought is not like the effect of ministerial or judicial acts under an unconstitutional law simply null and void, but the conclusions I have arrived at and attempted to set forth seem to me to be more in accordance with equity and justice than an opposite course would be, and if incorrect it is easily remedied by your Honor upon exceptions to this report.

Now am I fully satisfied whether or not the statute is suspended by the institution of the suit and at the date of the issuance of the writ or not until the date of a decree for account but basing my opinion upon what seems to be admitted (though not adjudicated) in the case of *Horrey sum vs Supton sum* June 17th 1841

I have fixed the time at which the statute is suspended to be the date of the date of the writ.

I now file herewith a statement marked (A6) showing the debts and to whom due still outstanding and owing allowed by me as proper charges against said estate with interest calculated down to the first day of April 1878. The first item or charge in said statement is a note executed by John C Willis and Wm H Brittain on the 19th day of January 1859 and due two -

Months after date to R M Bales the balance
of which including interest amounts on the
1st day of April 1878 to the sum of \$ 385.96.
this is a joint note given for or in a partner-
ship matter then existing between said
Willis & Brittain, the said Willis as it
appears by endorsements on said note had
paid in his lifetime one half of said note
and the balance due on it should have
been paid by Brittain, but Brittain is dead
his estate hopelessly insolvent as appears
from deposition of
himself & filed Motion (A D). I have therefore
allowed it as a proper charge against the
estate of John C Willis

The next items are two notes mortgaged respectively
(B 2) & (C-3) executed by said Willis to R M Bales
\$60. both of which are allowed. (See in reference
to these claims deposition & affidavits of R M Bales
in batch of depositions mortgaged (A D))

The next is a note executed to William Hoar
by J. C. Willis and after deducting credits amounts
on the 1st day of April 1878 to \$26.69 and is
allowed in this account as item (D. 4.)

The next item is a note executed to said Hoskins
by said Willis & W. K. Brittain which after
deducting credits amounts April 1st 1878 to
\$94.20 and is marked (E-5). In affidavit
of Hiram Hoskins filed with said claims.
The next is a note for the sum of \$100 executed
to W^m Bull and signed J. C. & D. C. Willis executed
on the 1st day of January 1858 in reference to
which Mr Bull filed his affidavit accompanying
said note, alleging that whole of it is still due.
But the administrator introduced before me
as a witness, D. C. Willis who states that on or about
the first day of January 1862 the said Bull
owed to J. C. & D. C. Willis a leather account amount-
ing to \$75.00 which was given up to said Bull and
was to be placed as a credit on said note, regard-
ing this testimony as sufficient I have given
said note a credit for said sum of \$75.00 of
the 1st day of Jan'y 1862 and have allowed
the balance as item F-6, amount April
1st 1878 to \$94.20 the said D. C. Willis has
filed along with said note his affidavit in
which he declares that said note is not
his, stating that he had no interest in it.

and while this may or may not sufficient
the note is a joint one and is therefore a proper
charge against the estate of J. C. Willis, and
the parties interested will have to deal with
said J. C. Willis as they may deem appropriate.
G. T. is a claim of very much the same character
It is a note executed to Charles Daugherty on
the 17th day of Decr 1861. for \$273.⁷⁵ in gold
and is signed with the names of J. C. Willis and
D. C. Willis Though the said D. C. Willis says by
his affidavit that the same was done without
his authority, knowledge or consent, The depo-
sition of Charles Daugherty, however filed
would seem to cast some doubt over this view
of the subject and goes pretty far to raise the
presumption that if said D. C. Willis did not
give his assent to the execution of the note
before it was executed that he assented to
it and recognised it afterwards. But however
this may be it being a joint note is a charge
against the estate of D. C. Willis and as such
is allowed And amounts to \$552.¹⁶ as of the 1st
day of April 1878.

The next is an account in favor of the Estate

Susan P. Willis, deceased. This account as presented is for the sum of \$1025⁰⁰ only \$350 of which is allowed. Said account as originally presented seems to have been sworn to on the 15th day of October 1869, before S. E. Thompson clerk but by whom does not appear. The sum of \$350⁰⁰ is allowed on the evidence of D. C. Willis see his deposition page of Exhibit A-6 filed with this report. Said ~~off~~ is allowed as item H-8 and amounts April 1st 1878 to the sum of \$733²⁵.

Item I-9 consists of 4 fee bills due J. B. Morgan late clerk and amount April 1st 1878 to the sum of \$37.55.

J.-10. is a fee bill paid by W^m W. Lacy late owner of said estate of J. C. Willis for the sum of \$2.91 paid to J. B. that late clerk and is a part of the costs of this suit. I have allowed him interest on it from 1st Jan'y 1871 to 1st April 1878 at which date last mentioned said fee bill amounted the sum of \$4.17. This debt being a part of the costs of this suit should be paid in full.

Item K-11. is an account allowed to D. C. Willis and amounts principal and interest April 1st 1878

to \$391.42. I have had considerable trouble in arriving at a conclusion in reference to this account. As presented before me it amounts to a much larger sum than I have allowed. There are two items in it which I have not allowed. The first of these is for hogs in November 1860 and is not as I think taking into consideration all the testimony conflicting statements and counter claims at all proved. It seems pretty well proved by the witness J. S. Willis that there were a good many hogs fattened by the Willis's that year but that he shows nothing about how many were owned by D. C. Willis or by any other one member of the family nor does he show how or in what manner D. C. Willis disposed of his hogs. It seems conceded that J. C. Willis the decedent drove them to market but whether as partners or not witness does not know though in the first deposition given by him before me, he seemed to think that J. C. & D. C. Willis were doing a general partnership business during the years from 1855 or 6 up to 1861, and thus again it seems that these parties had various charges and counter charges against each other as will more fully appear by papers

marked 1 & 2 filed with the af of said D.C. Willis
The second item charged in said account and
disallowed by me is for 2 notes on W^m Collinsworth
which D.C. Willis claims to have transferred to said
J.C. Willis. These notes D.C. Willis claims were executed
to him as Adminr of Polly Cloud, by said W^m Collinsworth
and he refused me to the sale bills of the property of
said Polly Cloud, upon examination of which I
found that said Collinsworth bought property at
those sales amounting only to about \$69⁰⁰ so this
afforded me no information to strengthen his claim,
and not trusting said claim proved I have disallow-
ed said claim for said two notes amounting to \$136⁰⁰
I may have done injustice to the said D.C. Willis
in disallowing these two items, and upon the other
hand I may have done injustice to the estate of
J.C. Willis in allowing any part of said af, if
so it is because the parties dealt so loosely and
carelessly with each other that at the lapse now
of 17 years it is beyond the reach of human possibil-
ity to arrive at truth between them.

Item L-12 is the judgement of N & Morgan
for &c vs W^m Sage Adminr of J.C. Willis decd.
and amounts on apr 1st 1878 to \$230,93

This claim like most all the other matters embraced
in this account has given your commission
trouble. The present admin^r of J. C. Willis claiming
that the debt upon which this judgment was ob-
tained was paid by J. C. Willis in the fall of 1861 and
before his death, to the said Nathan D. Morgan, and
the depositions of A. M. Ely and D. C. Willis go
very far to establish the fact that any rate these
witnesses prove admissions upon the part of
Morgan going to show that at least a part of it
was so paid, but what part neither of them show
or attempt to show and I can't undertake to
say for them. I think that said testimony is too
indefinite in its character to afford a sufficient
grounds to disallow said claim, & they fix no point
as to sum paid. I rather therefore here to allow
said claim in full or disallow it entirely, and
the former course seems most correct as the wit-
ness D. C. Willis knew these facts before the judg-
ment at law was obtained and being a party
in interest he should here give this informa-
tion to the administrator when said suit
was pending so that a jury might here pass
on it.

Item M-13, is amount of ~~2~~ tax tickets paid by
D.C. Willis for tax on the land of J.C. Willis for
the years 1873 & 1874 and amount including inter-
est to April 1st 1878 to \$25.17

Item N-14 is the balance of a note
executed by W^m K. Brittain and John C. Willis
after deducting credits endorsed on the note
and the amount of an account for leather
the balance of said note calculated down to
April 1st 1878 is \$32.74

Item O-15 is of due J.C. Willis for horse.

Item P-16, is a note executed by D.C. & J.C. Willis
on 24th day of February 1856, and is under seal
if a firm ~~can~~ make a sealed instrument under
its firm name. Your Commissioner is of opin-
ion that a firm under ^{its} the use of its firm
name can not make a sealed instrument,
but that in such a case as this that the in-
strument is only sealed as to the particular
member of the firm executing it, therefore
understanding that this note was executed by
D.C. Willis I have treated ^{it} as unsealed as
to the decedent J.C. Willis and if so it is bar-
red by the Statute of Limitation, and here
therefore disallowed it as to him.

There are several small items mostly of tax tickets for the years 1865-6-7-8-9 &c. filed with original suit of W. M. Sage Administrator vs J. C. Willis et al but they do not show to whom they are now due if to any one and no person seems now to interest themselves in regard thereto. I have therefore paid no attention to them in this account.

The amount of indebtedness still due and owing by the estate of said J. C. Willis according to my view. Amounts April the 1st 1878 ~~as~~ will more fully appear by reference to paper (A. D.) herewith filed to the sum of \$2902.59. And should the Court be of opinion that the note executed by J. C. & J. C. Willis is a proper charge against the estate of J. C. Willis then the indebtedness of said estate as will appear by reference to a special statement on paper (A. D.) to be \$3860.59.

I have also prepared and file herewith marked (A. E.) a statement showing the sums due and owing to said estate with interest calculated on same down to April 1st 1878 amounting as of that date, to the sum of \$428.46.

which deducted from the indebtedness of said estate should statement A & be adopted leaves a balance still due and owing by said estate of \$2479.13. but should special statement on paper A & be adopted then the balance due and owing by said estate will be \$2937.13

Another inquiry directed to me is to ascertain whether or not the real estate belonging to the estate of said John C. Willis will in 5 years pay his indebtedness. Upon this point I took the deposition of R. M. Bales and others as seen in paper marked A. C. and from their testimony the rents and profits of the land are only worth from \$60 to \$75 per year, from which it very clearly appears that the rents and profits will not in 5 years retiring pay said debts within is it probable that a sale of said land will pay the entire indebtedness of said estate

I have experienced much difficulty in getting the parties interested before me, this account was commenced in January and I have only been able with everything

I could do to conclude it to day. And aside
from this delay occasioned by negligence
of parties; The matters embraced in the account
many of them have been and still are obscure
and uncertain. Added to this is the diffi-
cult and nice questions of law arising in
said case to which reference has been before
made. And upon the whole I very much
fear I have not given satisfaction though
I have done the matters submitted to me as
full justice as was in my power.

All of which is respectfully Submitted

Jonesville Va
Aug 6th 1878

C. T. Duncan Special
Commissioner.

Nathan E Morgan for vs
vs 3 Court Report.

Thos S. Ely Adm et al

Filed Aug 18th 1878

James W Orr. clk.

So much of this report is hereby
excepted to as refuses to allow J. C. Willis
his full claim because the evidence
proves said claim.

And further the report is ex-
cepted to so far as allows the judg-
ment of Nathan E. Morgan on the grounds
that said judgment is proved to have
been paid.

And this exceptor prays that this
report be recommitted to the Commis-
sioner, as to these two claims with leave
for new evidence to be taken as to these
claims by any of the parties.

J. C. Willis
By J. Miller his atty.

Court Fee 5-0.00

To the Honorable John A. Kelly Judge
of the Circuit Court of Lee County Va
The undersigned, who was appointed
a special Commissioner in the case of
Nathan E. Morgan for &c. against Thomas S.
Ely Administrator &c. begs leave to report
that in pursuance, to a former decree in
this cause, your Commissioner after duly
advertising the lands of J. C. Willisland
as directed by said decree, offered the same
at public Auction at the front door of the
Court House of said County on the 5th day
of May 1879, that being the first day of
County Court. At which time W. R. Boley
became the purchaser at the price of \$1000.⁰⁰
and Thomas S. Ely having failed to pay the \$91.
19 in his hands your Commissioner required
the purchaser to pay that sum, and \$29. his
commissions there making the sum of \$120.19
was directed to the party shown to be entitled to the same
paid in hand which, deducted from the bid
leaves \$879.81 for which sum your Court.
Took said Boley's bond with R. M. Baley, ex-
ecutor, which is ample, this bond is made
payable in one, two & three years with interest
from date. The sale is a reasonably fair one & should
in the opinion of your Court be confirmed, Respectfully
A. L. Pridemore

Morgan for or

27 } Commission
} Ordinance report
No. 1

Thomas S. E. L. adm. et al.
1879 Oct. 28th. Filed
Jas. W. Orr, Clk.

To the Hon. John A. Keeey Judge
of the Circuit Court of Lee Co
Virginia:

The undersigned who
was heretofore appointed as
Special Com-missioner to make
sales of certain lands mentioned
in his report of sales in the Chancery
Cause of Nathan E. Morgan for &c
against Thomas S. Ely Esq, leave to
report that the purchaser has fully
paid the amount of the sale note
reported by your Court, heretofore, to be
due from him: This note was mostly
paid by the purchaser paying the
creditors their debts in the County
and producing their receipts therefor
All of which are now on file
before your Court. Nothing therefore
remains to be done but to make
a deed to the purchaser for said
land and strike the case from
the docket. The sale made was
understood to be all the land at
that time owned by said J. C. Willis
at the time of his death, and the same
has gone into the hands of the pur-
chaser.

A. L. Pritchman

Nathan E. Morgan for

W. J.

Report.
Mo 2. A.P.

Thomas J. Ely et al

Filed Aug 29 1884
J. A. S. Hyatt C.C.

To the Hon. John A. Kelley Judge of
the Circuit Court of Lee County Va.

The undersigned a Special Commissioner in the Chancery cause of Nathan
E. Morgan for &c against Thomas S. Ely and

Begs leave to report that pursuant
to a decree heretofore rendered he has
made the deed to Commissioner Ann R.
Boles heretofore directed and here filed the
same. Your Com. has disbursed all
sums heretofore received by him to the
proper parties in the proportion de-
creed in this cause - And there is no
further action necessary known to him
all of which is respectfully sub-
mitted.

March 1st 1888.

A. L. Primmer
Com.

A. Morgan Laoc

Report-

Final

J. S. Ely Laoc

Filed Nov. 7/885-

J. B. Stuyatt
c c



In the name of God, Amen: I, John C. Willis, of the County of Lee and State of Virginia in good health, and of sound & disposing memory, a volunteer in the Walnut Hill Company, commanded by Capt. T. S. Gibson & as life is uncertain make this my last will & Testament.

In the first place I will all my just debts, if any, shall be paid, should I never return. Secondly, I will all my effects of lands, negroes, and all other property, both real and personal, arising from the estate of John S. Willis dec'd to my mother Susan P. Willis, to have and to hold the same during her natural life; after her death, I will it to be equally divided between my brothers and sisters. Also all the property that may come to me from my Grand-father John Willis' estate to the same Susan P. Willis during her natural life, to be equally divided among my brothers and sisters at her death.

The land purchased by me of the Easterday Heirs should W. C. Willis pay for half of it, then one half belongs to him otherwise my mother to pay for it and keep the same; should I live to return, the same to be void. Given under my hand and seal this, 20th, day of May one thousand eight hundred and sixty-one.

Teste

John C. Willis (seal)

Bartlett Thompson

W. C. Willis

William A. Willis

Virginia,

At a Court begun and held for Lee County, at the Court House thereof, on Monday, the 21st day April 1862.

The last will and Testament of John C. Willis was this day proved in Court by the oaths of Bartlett Thompson and William A. Willis, two of the attesting witnesses thereto, and is ordered to be recorded.

Teste - Henry J. Morgan C. C.

A copy.

Teste - John B. West, D. C.

John C. Willis dec'd
A copy of last will
+ Testament.

Exhibit (A.)

For Bill

1855 J C Willis 10% To Susan D Willis
 April To Cash pr Self \$750.00
 March 1856 To Cash loaned 700.00

1857 Janer ler by Cash \$300.00

1859 P To One Sorel Mare 150.00

To One Mule bay 100.00

To One brown or black Mule 125.00

\$1325.00

300.00

Jan 1859 - - - - - Cr her due - - - - -
 - - - - - balance due - - - - - \$1025.00

Sworn to before me, Sylvester E. Thompson, Clerk
 of the County Court of Lee County this, 15th, day of
 October 1869. Sylvester E. Thompson

if the above account this sum is allowed

1 Sorel Mare 125-

1 bay Mule 100

1 brown " 125-

350

C. T. Duncan. Comm.

1868
 1860
 28

350
 2100
 18
 16808
 210525
 38525-

H. — 8.

J. C. Willis
in act

Ludon D. Willis

Ex H.

\$350 of this account
is allowed. The balance
is barred by the Statute
of Limitation.

\$6.83

One day after date I find
myself heir to today R. M. Ballo & Co
Six Dollars & Eighty Three Cents for value
received Witness my hand and seal
May 11th 1861

J. B. Miller

seal
u

Ex. (6.3)

J. C. Willis
To

R. M. Ballou

\$6.83

D

Ex L-

(4) (3)

Thomas S. Ely Administrator of the Estate of J. C. Willis Deceased
To the heirs and distributees of said Estate Dr

1876. Decr 15 th	Received of W ^r R Boles for the rent of the lands of which said John C. Willis died seized from the 15 th day of Decr 1875 to the 15 th day of January 1876. This sum.				\$ 66.00
1876	Credits.				
Decr 15	1 By this sum paid to W ^r R Boles for repairs to the said land see Receipt dated Decr 15 th 1876.				\$ 55.00
	2. Paid Tax for the year 1876 on the land of the said J. C. Willis this sum.			10.35	
	3 By this sum paid Taxes on said land for the year 1875			9.14	
	By 8 percent com on 74.49 disbursed			5.95	
	To this sum overpaid by said land to square.			14.44	
				\$ 50.44	\$ 80.44
1877.	By this sum overpaid to square			14.44	
Decr 15	" Interest on same to Decr 15 th 1877.	86.			
	To this sum received of W ^r R Boles for rent of said land from 15 th day of Decr 1876, to 15 day of Decr 1877.				\$ 75.05
	4 By this sum paid Road Tax 1877.			3.42	
	5 " " " " Tax on land 1877			10.95	
	By 8 per cent com on 29.82 disbursed.			1.85	
	By interest of last year brought in			86	
	By this sum unaccounted for to square			43.53	
				\$ 75.05	\$ 75.05
1878	To this sum unaccounted for last year				\$ 43.53
	but to Decr 15 th 1878	2.61			
	To this sum due for rent of said land from 15 th Decr 1877 to 15 Decr 1878, due 15 th Decr 1878;				25.00
		2.61			\$ 68.53
					2.61
					\$ 71.14

Thomas S. Ely Surveyor

To Settlement of his
Account,

He has & creditors of
J. C. Willis & Co.

A. B.

Estate of John C. Willis Dec'd
To sundry persons, his Creditors

A. 1	To one note for \$4.45, executed by Wm. H. Brittain & J. C. Willis on the 19th day of Jan'y 1859 & due two months after date - subject to a credit of \$2.55, paid Oct. 27 th 1859, another credit of \$12. ⁰⁰ paid ^{June 18th} 1861, another credit of \$11. ⁰⁰ paid July 16 th 1861 and other credit of \$12. ⁰⁰ paid sometime in the year 1867 or 8. now due R. M. Bales.			
	Balance of said notes including interest to the 1st day of April 1878			385 96
B. 2	To one note executed to R. M. Bales & Co on the 20th day of May 1861, and due one day after date now due R. M. Bales,	30 00		
	Interest on same to the 1st day of April 1878	30 35	60 35	
C. 3.	To note executed to R. M. Bales & Co. by J. C. Willis on the 11th day of May 1861 and due one day after date	6 83		
	Interest on same to the 1st day of April 1878	6 91	13 74	
D. 4	To note executed to Otham Hoskins by John C. Willis, the 8th day of Sept. 1858 and due one day after date, subject to several credits, the balance due on said note being, Jan'y 3 rd 1860	12 73		
	Interest on same to April 1st 1878	13 93	26 66	
E. 5	To note executed to Otham Hoskins by Jno. C. Willis & W. H. Brittain on 25th day October 1859. Balance due Jan'y 31st 1860	26 61		
	Interest on same to April 1st 1878	27 57	54 18	
F. 6	To note of \$100. ⁰⁰ executed by J. C. & D. C. Willis to Wm. Ball, on the 12th day of Jan'y 1858. subject to a credit of \$75. ⁰⁰ as of the 1st day of Jan'y 1862, bal due last date	47 75		
	Interest on same to 1st day of Jan'y 1878	46 55	94 30	
	Amount carried forward		635 29	

		To Amount Brought Forward	635	29	
L 7		To one note executed to Elias Daugherty by J. C. Willis & D. C. Willis for \$273.75 in gold, due 17th day of December 1861	273	75	
		Interest on same to 1st day of April 1878	267	59	
		2 per cent premium on \$541.24 gold	10	82	552 16
St 8		One account to Susan P. Willis, due say 1st Jan'y 1860, part of said ac.	350	00	
		Interest on same to April 1st 1878	383	25	733 25
No. 19	9	Fee Bill due Henry J. Morgan as of the 1st day of Jan'y 1860	11	93	
		Interest on same to 1st day of April 1878	13	08	
No. 2		Fee Bill to same 1st Jan'y 1862	2	45	
		Interest on same to 1st of April 1878	2	38	
No. 3		Fee Bill to same as of the 1st of Jan'y 1862	2	45	
		Interest on same to 1st of April 1878	2	38	
No. 4		Fee Bill due H. J. Morgan from J. C. Willis Admt. as of April 1st 1865	1	80	
		Interest on same to 1st April 1878	1	08	37 55
J	10	This sum due W. W. Sage late Admr. on account of Fee Bill paid by him	2	91	
		Interest on same from 1st Jan'y to 1st of April 1878	1	26	4 17
St	11	One ac. due Dorcia C. Willis by the Est. of John C. Willis for 1 Bay mare from 1st Jan'y 1860	100	00	
		Interest on same to 1st April 1878	109	50	
		To 1/2 of joint note of J. C. & D. C. Willis for \$99.22 paid by D. C. Willis June 1873	49	50	
		Int on same from July 1st 1863 to April 1st 1878	43	80	
		To 1/2 of Judgt of James Pridemore against D. C. Willis as survivor paid May 20th 1876	83	45	
		Interest on same to April 1st 1878	5	17	391 42
		Amount Carried Forward	2353	84	
St 12		To Judgt of Nathan E. Morgan for & vs. W. W. Sage Admr. of J. C. Willis			

		To amt Brought Forward	2353	84	
L 12		" Judgment of Nathan E. Morgan for & vs. W. W. Sage Admr. of J. C. Willis decid due Oct 1st 1860	110	00	
		Interest on same to April 1st 1878	115	50	
		Add for costs of suit at law	5	43	230 93
M 13		To Amt paid tax on the lands of J. C. Willis by D. C. Willis for 1873	10	64	
		Interest on same to April 1st 1878	2	55	
		To same paid by same year 1874	10	18	
		" Interest on same to April 1st 1878	1	80	35 17
St - 14		To note of Wm. H. Brittain and J. C. Willis due the sum of \$156.67 on 7th of Jan'y 1860 Balance of which, after deducting cred into on the 7th of Jan'y 1860	15	67	
		Interest to 1st Jan'y 1878	17	07	32 74
O - 15		To amt due J. S. Willis for horse about Jan'y Jan'y 1860	125	00	
		Interest on same to April 1st 1878	135	00	260 00
		Total indebtedness.			\$2902 59
P - 16		To note of D. C. & J. C. Willis executed to Susan Willis on 24th Sept. 1856	200	00	
		Interest to April 1st 1878	258	00	
		Amount of Susan Willis notes	458	00	
		Indebtedness as above	2902	59	
		Total indebtedness including Susan Willis note	3360	59	

Special Statement	
To note of D. C. & J. C. Willis executed to Susan Willis on 24th Sept. 1856	200 00
Interest to April 1st 1878	258 00
Amount of Susan Willis notes	458 00
Indebtedness as above	2902 59
Total indebtedness including Susan Willis note	3360 59
Total indebtedness not including Susan Willis note	\$2902 59

J. L. Willis Estate

Statement of debts
Still due and owing

(A 281)

The special statement made by com. L. Tanner
is accepted to - The note in this statement with which
J. L. Willis is charged is a sealed instrument and
was not executed by him nor by any one specially
authorized so to do by him - Aug 27/78
Haggen & Peterson

Sundry persons

To the Estate of John C. Willis Decd Dr

Susan P. Willis late Executor of
said Estate, as shown by her settle-
ment now of record in the Clerks
Office of Lee County Court, owes
to said Estate as of the 1st day of
July 1867. of principal money
and of interest upto said 1st
day of July 1867.

145 00.

93 50

Interest, on said 145 00 to the 1st
day of April 1878

93 52

187 02

Total amount due by Susan Willis

\$332.02

Amount in hands of Thomas
S. Ely present Admin as shown
in statement (A B).

71 14

Amount due said estate by J. S.
Willis as shown in his deposition
herewith filed March (A. C.)

Rents during year 1871

8 75

Interest on same to Apr 1st 1878

1 65

Rents during year 1874

12 87 1/2

Interest to April 1st 1878

2 53

\$20 30

Total amts due said Estate

\$423 46

Summary Persons.

{ Statement of debts
to { due said Estate
Estate of J. C. Willis

A. E.

455/

Two months after date we bind our
- selves heirs & to pay R Mc Balis four hundred
and fifty five dollars forwarded withup our
hands and seals Jan'y 19th 1859

Wm. H. Britton (S)
J. C. Wilcox (S)

Virginia Lee country too west

This day R M Bales personally appeared before me to L. S. Duran speaker of our
minions and made oath that the within
note is just and that he has given all
credits to which the parties are entitled
which credits are endorsed on said
note and that the balance of said
note is unpaid and still due to
him. Given under my hand
this 22nd day of May 1895.

Wm. J. B. W. J.

8. 6. 11.

22

Wm. Duncanson
Federal Courthouse

27. (d)

12.00

Ray M. W. 1874

1846. By a letter to your friend

Dr end of Nov 72 Indian thought
English means and that from dinner
of 11.00

June 18. 1861 #
 Earth Quake & Shock
 area of mountain
 12.17

137 Book of J. E. Miller #25520

1. (A) 1-887 23 100

\$30 -

One day after date I will
myself his or to pay R. M. Bales of
Thirty dollars for value recd. Witness
my hand and seal May 30th 1861

J. C. Willis

Seal

3255

(13).2

Exd

J. E. Mills

Q. V. 100

R. M. B. & Co.

\$30

D.

Ex - (13.2)

\$ 273-75 Received of Charles Daugherty
One note of hand on J C Wells &
D C Wells for 273-75 in Gold
Dn Dec 14th 1861 which I will
return on account for
May 5-1870 J C Wells

Oberlin

2

181

John L. Willis
 To D. L. Willis

Dr

1858

November.	To my part of Lot of hogs fattened in partnership	\$358.00
1860 January.	" 2 notes on William Collinsworth	136.00
	" 1 bay Mare	100.00
1868 June	" 1/2 of note note for land paid to + Mr. Ely principal + Int \$99.00	49.50
1876 May	20 To 1/2 of judgement to James Pridemore amounting at date of payment to \$166.91	83.45
		<u>\$726.95</u>

Virginia Lee County do wit

~~This~~ D. L. Willis do swear that the foregoing
 account is just and true and that there is no
 credit to which the said J. L. Willis should be enti-
 tled on said account but that the same and
 every part thereof is unpaid and justly to me
 to help me Good

D. L. Willis

Sworn to before me
 this 9th day of Februry 1878

C. F. Duncan Special
 Commissioner

Estate of J. C. Willis.
To 3 Apr
D. C. Willis

K. - 11

1859 60 61

Remembered of Money paid between J. C. Mills

J. C. Mills paid it out of his own money to get further

Schip from J. C. Mills to Hall 65

paid to William Woodson on note 94 00

paid to Miles South on note 50 00

paid to William Ball on note 45 00

paid to Moses Ball on note 30 00

paid to William Ball on note 59 80 00

paid to J. C. Ely for Indis 95 18

paid to J. C. Ely note for Lured money 116 00

paid to Moses Ball more on note 35 00

paid for tax for 1859 the land 460 90 00

paid the South for things for H. Ely 22 45

paid to Andrew Subong for a cott 40 00

to cash lent to pay for buggy 52 00

paid to John Cook of J. C. Ely money 25 00

paid to Mother in law. Sweep in. horses 50 00

paid to Gibson for Lured Knight and blacken. 7 00

paid to J. C. Ely for oil from Knoxville 7 25

paid to Nathaniel Ewing, Lured money 70 00

paid to Andrew Subong one note bright 20 00

paid tax this year 1861 all the money 53 18

paid to Put miles the money over note 107 32

paid to Smith Ball for one load of corn 6 00

Am-Ball Note of 43 00

Am-Sly note off 9 00

taxes for 59 off 90 00

Totals in 1861 1860 53 18

197 18

\$1190 15
197 18
81592 97
491 482

J. C. D. C.
Willis
Apt

(W)

18567 J L Mills To W. C. Mills One half of the following ^{net}
 One lot of fat Hogs in 1857. \$ 505.00
 amount of other property that J. L. Mills
 bought out of our partnership money for
 his own use \$ 559.06
 Paid to R. M. Bales of Same May 170.00
 Same to J. H. Brooks 8.00
 One ox sold Samuel C. Strub 30.00
 To amount of Notes Sold Wm. Ridland 50.00
 To amount put in To buy hogs 80.00
 To gold put in 30.00
 To amount lost in drying hogs 1857 164.00 \$ 1338.06

1861 To amount paid on joint note
 To bank and miles \$ 110.00
 To paid joint net to A. M. Elg 99.00
 paid in yr ~~Elg~~ 90.00

1858 J. C. Willis 10^{rs} To H. C. Willis
 November To amount of one lot hogs \$358.00
 January 1860 To 2 notes on William Collinsworth 136.00
 To one execution on J. B. Collins 20.00
 1860 To one bay mare 100.00
 To balance on black mare 10.00
 \$624.00

Virginia Lee County Clerk

D. C. Willis personally appeared before the undersigned,
 and made oath in due form of law that the above account
 is just, and true and that he has not received any part thereof
 given under my hand, this 27th day of April 1870.

Samuel. Stacey Comm in Chy

Virginia Lee County Clerk

L. S. ~~Stacey~~ ^{Willis} personally appeared before the undersigned
 a Commissioner in Chancery for the County of Lee, as a witness in
 behalf of D. C. Willis and made oath in due form of law
 that the above account owing to D. C. Willis from L. C. Willis
 is true to the best of his knowledge and belief.

Given under my hand this 6th day of May 1870

Samuel. Stacey Comm in Chy

Virginia

At a County Court continued & held for Lee County
at the Court-House, on Saturday, June 2nd 1869.

James Pridemore

Plff

against

} In Debt.

David C. Willis exor &c. and James M. Wheeler Defts

The defendants not appearing, It is considered by the
Court that the judgment obtained against them in the
Clerk's Office for \$80.⁰⁰ in gold, the debt in the Declara-
tion mentioned, with legal interest thereon from the 12th
day of May 1860 till paid & the costs be made final

A copy.

Lester J. B. West, Clerk

Ex 9

Received May 20th 1876 of D. L. Willis
One hundred & Sixty Eight Dollars
and Twenty Six Cents, which is to be
Credited on a judgement & Execution
obtained in the County Court of
Lee Co vs against the said D. L. Willis
Survivor ~~of~~ of J. L. Willis & J. M. Wheeler
The above judgement was given in favor
of J. M. Pridemore and afterwards assi-
gned by said Pridemore to me.
Attest

Wm J. Ball

L. D. Tucker

Clear paid on the within
Judgment, \$271

Judgment and amount
of 4 cents up to Dec 18th 1877
\$166.96
100

1878 4 1
1877 7 1
149

Wm. H. H. H.
Bates & Co.
To Wm. H. H.

1878
1877
149

257

Two months after date I promise to pay to
John C. Miller Two hundred and fifty dollars
for Paid Rec^d - Witness my hand and seal
January 23rd - 1861

Charles Heisinger *Seal*

Charles Houge's
Note
\$200.

April the 10th 1860
Credit the cash in
note one hundred
dollars



Mr *J. C. Willis - Est.*
1874.

To JOHN R. GIBSON, TREASURER of LEE COUNTY, Virginia, Dr.

No. *599*

	State Revenue, 50 cents on \$100.		County Levy, 8 cents on \$100.		County School Tax, 10 cents on \$100.		District School Tax 2 cents on \$100.		TOTAL TAXES.	
	Dollars.	Cents.	Dollars.	Cents.	Dollars.	Cents.	Dollars.	Cents.	Dollars.	Cents.
To <i>110</i> Acres of Land, value \$ <i>840</i>	4	20		67		84		16	5	57
To <i>27 1/2</i> Acres of Land, value \$ <i>384.50</i>	1	91		21		28		08	2	68
<i>25</i> \$ <i>50</i>		25		04		08		01		35
To Property, Income, &c. value \$										
To Poll Taxes										
Total	6	36		102		127		25	8	90

Beil, Stationer, Alex'a, Va

Received Payment,

Treasurer.

J b Willis

890
44
\$ 9.34
86

1018

241

278

60

By J b Willis

Cash \$ 5.00

By By 1.35

By J b Willis 5.00

6 40

Recd of J b Willis \$ 10.18.
the amount of the within
Sub Ticket for the year 1874

J. S. Ball

J. C. Willie Est-

To Rose Hill Township Dr

To Land Tax 1874

84

Recd payment - Collector

J C
willis

Rest



Rose Hill Township.

Mr John C. Willis Est Tax in Lee county for 1873.

Amount.

REVENUE DUE STATE.

Males Taxed \$1 00 each.....

Personal Property, Notes, Bonds, &c., value \$.....

Tracts of Land, aggregate value \$1273

Taxed 50 cents per \$100.....

Taxed 50 cents per \$100.....

657

COUNTY LEVY.

Tithes, Taxed 40 cents per head,.....

Personal Property, Notes, Bonds, &c., value \$.....

Tracts of Land, aggregate value \$1273

Taxed 8 cents per \$100.....

Taxed 8 cents per \$100.....

102

COUNTY SCHOOL LEVY.

Personal Property, Notes, Bonds, &c., value \$.....

Tracts of Land, aggregate value \$1273

Taxed 8 cents per \$100.....

Taxed 8 cents per \$100.....

102

DISTRICT SCHOOL LEVY.

Personal Property, Notes, Bonds, &c., value \$.....

Tracts of Land, aggregate value \$1273

Taxed 4 cents per \$100.....

Taxed 4 cents per \$100.....

51

Received Payment in full,

J H Boring

Treas. of Lee County.

\$8.92

Recd of H. C. Willis \$10.64 ct the
Amount of said Tax Receipt for the Year 1873
S. H. Ewing

892
40
\$9.27
127 198rup
\$10.64

\$273.75 One day after date
we bind ourselves heirs
&c. To pay Charles Daugherty
Two hundred and seventy
three dollars and seventy
five cents in Gold for value
to cert of him witness our
hands and seals December
16th 1861

J. C. Willis
Ed. H. Miller

Recd
D

4-7

Vⁿ La County, Texas

This day Charles Sangherty
made oath before me C. T. Duncan
special commissioner that the within note
is just and that the same nor
no part thereof has ever been paid
to him. Given under my hand
this 31st day of July 1878

C. T. Duncan Special
Commissioner -

J. C. & D. C.
Mexico Mo
No 421376
Dec 8
16. 1861

D. C. Willis

28 3/4 d/c for Lutes
paid for 187374

J. C. Willis

M - 13,

Willis, Lee County - Va

John C. Willis

1858

To L. S. Willis Dr

To 1 Horse \$125.00

Virginia Lee County to wit;

L. S. Willis personally appeared before the undersigned a Commissioner in Chancery for the County of Lee, and made oath in due form of law that the above account is just and true, and that he has not received any part thereof.

Given under my hand this 27th day April 1870.

Samuel Field Comr in Chy

Virginia Lee County to wit;

David S. Willis a witness in behalf of L. S. Willis personally appeared before the undersigned a Comr in Chancery for the County of Lee and made oath in due form of law that the above is just and true.

Given under my hand this 6th day of May 1870

Samuel Field Comr in Chy

10-10

J. S. Willis

J. S. Willis

10-10

J. S. Willis

Virginia Lee County to Wit

I J. S. Willis do solemnly swear that the within account is just and true and that the same nor no part thereof was ever paid to me, That the said horse was contracted to said J. S. Willis at the sum of \$125⁰⁰ and was reasonable worth that sum Given under my hand this 11th day of March 1878.

J. S. Willis
mark

Sworn to before me

This 11th day of March 1878

C. L. Duncan Comm

Received of William
Holt \$3 42 cents in full
of 2 tax receipts in favor
of William S Ball & garage

J C Williams

E L Woodward & Co

Recd of Tho. S. Ely Adm^r of p. l^y
Willis dest. the Sum of \$42.
The amount of Road Tax
This January 25th 1877.

W R Boles

No. 4

11 9

J. C. Willis East
To Rose Hill Township

Dr

To Land Tax 1873

127

Recd Payment

S. H. Cunniff

Collector

J. C. Miller.

1 Est 1

127

Recd of Tho. S. Ely Sheriff and adm^r of the Est
of J. C. Willis Dec^r the full sum of Fifty five Dollars
and 50 cents for making Stalling and laying up New
Rails and removing Old Ones in the year of 1856.
This 15th December, 1856, the above work was done on the Lands of
J. C. Willis Dec^r

W R Bates

(no 1)

Mr. R. Boles

5 Rupee

10) Tho. S. Ely & Co

Admrs of J. C. Miller

This deed made this the 29th,
day of August 1884 by and
between A. L. Pridemore special
Commissioner of the first part
and Wm R. Boles of the second
part Witnesseth that whereas
there was by a decree in the
Chancery Cause of Nathan E.
Morgan vs. Against Thomas J.
Ely and wife et al., rendered on
the 5th day of September 1878 certain
lands being the lands of which
John C. Willis died seized and
possessed ordered to be sold as
in said decree directed; and
whereas said party of the first
part was as special Commis-
sioner directed to sell the same
and whereas in pursuance of
said decretal order the said
Commissioner Pridemore in per-
suance of the power in him
vested did on the 5th day of
May 1879 sell said lands, as
directed and the party of the sec-
ond part became the purchaser
thereof at the price of one thousand
dollars and whereas said Sale

was afterwards confirmed and made
by a decree entered in said court the 27th Nov. 1877
final, and the said Comr. Prilemne
directed to collect and pay over to
the creditors of said J. C. Willis and
purchase money after the payment
of costs, as the same from time to
time fell due - And whereas said
Comr. did collect said purchase-
money in full and pay out the
same as decreed & ordered, and the
said Boley being entitled to a
Conveyance thereof - And whereas the
said A. L. Prilemne was by a de-
cree of of this Court entered at the
present term Aug 29th 1884 ap-
pointed a commissioner to convey
the same. Now therefore in consid-
eration of the premises as well as
the sum of five dollars to him
in hand paid the receipt whereof
is hereby acknowledged, the said
A. L. Prilemne Commissioner as a
aforesaid doth grant bargain
sell and convey unto Wm R. Boley
all and singular the lands owned
by J. C. Willis at the time of his
death, situated in Lee County Vir-
ginia, in said Bill & proceedings

mentioned, being his entire lands
and for a more specific ~~copy~~
~~conception~~ of which reference
is here had to the deeds and
title papers, whether by descent
or purchase, of the said John C.
Willis' descent and now recorded
in the Clerk's office of Lee
County, Virginia.

To have and to hold said
tracts or parcels of land together
with all the appurtenance thereunto
belonging to him the said Wm R.
Boles and his heirs forever -

And the party of the ~~first~~
part Covenant that he will
warrant the land generally
hereby conveyed. Witness the
following signatures and seals
this the day and year first
above written.

A. L. Pileman 
Commissioner.

Wm R. Bowles

Trans D. Deed.

A. S. Pindeman & Co

I the undersigned and acting justice of the peace in and for the County of Lee in the State of Virginia proceed at ~~my~~ dwelling house in said County on the 20th day of May 1878 to take the deposition of Samuel G. Shumate which depositions are to be read as evidence in a Chancery Court of Lee County wherein Nathaniel E. Morgan who sues for the benefit of John Rogers is plaintiffs and Thomas S. Elly Adams of J. C. Willis is defendant.

Samuel G. Shumate a witness of lawful age deposes as follows That Nathaniel E. Morgan came to the eastern army in the fall of 1861 I think in the month of November when where we was camped to Lee J. Willis about a debt that Willis owed Morgan J. C. Willis came to me and told me that Nathaniel E. Morgan held a note on him and he wanted to pay him off I let him have \$20, dollars that I advised J. C. Willis to pay Morgan and Willis and Morgan went in to the tent to settle and my understanding was at that time the note was settled of J. C. Willis had money enough to pay the debt and further this deponent says not
S. G. Shumate

Virginia Lee County Town

I the undersigned do hereby certify that I am and acting justice of the peace in and for said County and that the foregoing depositions of Samuel G. Shumate was duly taken deposed and subscribed before me for the purpose named in the caption at my dwelling house given under my hand this 20th day of May 1878

H. C. Willis J. P.

Samuel S. Smith
Exposition

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY — GREETING:

^{again}
WE COMMAND YOU TO SUMMON *William A. Willis Jeremiah S. Willis*
David C. Willis James Willis, Thomas S. Ely and Belinda his wife

to appear before the Justices of our County Court for Lee county, at the Court House, in the Clerk's Office, at Rules to be holden for the said court, on the *first* Monday in *December* next, to answer a bill in chancery, exhibited in our said court, against *them* by *William W. Sage* *advers* with the will annexed of *John C. Willis deceased*

And have then there this writ. Witness, JOHN B. WEST, Deputy for SYLVESTER E. THOMPSON, Clerk of our said Court, at the Court House, this *5th* day of *November* 186*9*, in the *94th* year of the Commonwealth.

John B. West D. Clerk.

William H. Sage admr

vs Elias Spa in Chy

William A. Willis & al

Deer Rules 1869

Exeute in full.
C. W. Lyles 188

For Bill

The Commonwealth of Virginia:

TO THE SHERIFF OF LEE COUNTY---Greeting:

WE COMMAND YOU TO SUMMON Jeremiah S. Willis, David C. Willis, Shos. S. Ely in his own right and as Admin. de bonis non of the estate of John C. Willis decd. and as Sheriff Admin. of the estate of Susan D. Willis decd. and the estate of Wm A. Willis decd. Susan M. Ely his wife, William R. Bales and Nancy Bales his wife and James S. Willis, infant,

to appear before the Judge of the Circuit Court of Lee County, at the Court-House, in the Clerk's Office, at *Schuy* Rules next, to answer a bill in Chancery exhibited in our said Court against them by *Nathan C. Morgan* who sues for the benefit of *Jesse Rogers*.

And have then there this writ. Witness. JAMES W. ORR, Clerk of our said court, at the Court-House, this *29th* day of *Decr* 1876, in the *1st* year of the Commonwealth.

R. W. Orr Jr. C. C.

H v P

Nathan E. Morgan for

vs. J. Spain cly

Jeremiah S. Willis
et als

Soby. Rules 1877

Executed in full
Thos. C. C. C.